

MINUTES

STATE BOARD OF EXAMINING
WATER WELL DRILLING CONTRACTORS and
WATER WELL PUMP INSTALLATION CONTRACTORS

Regular Meeting
September 6, 2017
10:00 a.m.

Herschler Building Conference Room 1699
Cheyenne, WY

PARTICIPATING BOARD MEMBERS:

Nick Bebout, Chairman
Jim O'Connor
John Midkiff
Lisa Lindemann
Michelle Christopher

ABSENT BOARD MEMBERS:

Jerry Hunt
Steve Barbour

PARTICIPATING PROFESSIONAL STAFF:

Abigail Boudewyns, Senior Assistant Attorney General
Cricket Hoskins, Financial Officer, SEO
Chuck Wilson, WWCB Contract Inspector
Martin Zimmerman, State Engineer's Office, Support Services
Sheri Culver, Executive Director, WWCB

GUESTS:

Lily Lee, Wyoming Department of Environmental Quality/Water Quality Division (DEQ)

CALL TO ORDER:

Chairman Bebout called the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors (WWCB) meeting to order at 10:12 a.m.

REVIEW AND APPROVE AGENDA:

The agenda was approved as circulated.

REVIEW AND APPROVE MINUTES:

Mr. Midkiff moved to accept and approve the Minutes as amended from the July 27, 2017, meeting. Mrs. Christopher seconded the motion. Motion carried.

OLD BUSINESS:

Mrs. Culver explained that the Contract Signatory Authorization Policy was updated as requested to remove the word "employment" from the document.

Mrs. Culver explained that “Frequently Asked Questions” has been added to the Board’s website. She stated that she has not heard any comments concerning the addition to the website.

Notices of Intent

Mrs. Culver explained that the Ground Water Division staff is emailing her scans of acceptable Statement of Completion and Beneficial Use forms received in the Division. She explained that she is checking to see if the contractors listed on the forms have complied with the Notice of Intent rule. She stated that at this time a majority of the contractors have complied. If the contractor failed to submit a Notice of Intent to the Board Office the contractor is contacted by phone for the first violation. If they continue not to comply with the Notice of Intent rule a violation letter is sent.

Mr. Wilson stated that he has tried to explain to contractors that filing a Notice of Intent does not automatically generate an inspection. However, if an inspection is conducted the inspector will be noting what equipment and material is present and absent at the job well site.

Mr. Wilson explained that location descriptions provided on the Notice of Intent are at times missing sufficient information necessary to perform an inspection. Mr. Wilson stated that if GPS coordinates were provided on Notice of Intent forms, less time would be spent searching for the contractors drilling locations.

NEW BUSINESS:

Licensing Program Database

Mrs. Culver distributed a copy of a software proposal from inLumon. She explained that the company has developed and implemented several licensing programs for other State licensing Boards. She stated that the Boards who have hired inLumon have been very satisfied with their product and service.

Mr. Zimmerman gave the Board members a brief background of the WWCB’s current licensing program. He explained that it is a copy of the Board of Professional Engineers and Land Surveyors licensing program with minor adjustments to the software to meet the WWCB licensing requirements. The company who supports the current program is run by a single individual from California who will be retiring in the near future.

Mr. Zimmerman explained that the Board of Professional Engineers and Land Surveyors, the Board of Realtors, and other A & I Professional Licensing Board are a few of the Boards who have hired inLumon to develop and manage their licensing programs. He explained that inLumon has also developed licensing programs for the states of Nevada and California.

Mr. Zimmerman stated that inLumon has created the framework for a software program that is designed for licensing Boards. It is highly adaptable for use by various Boards and can easily be customized to meet the needs of each Board. He stated that he felt that the company offers an excellent product that is very intuitive and workflow driven.

Mr. Zimmerman explained that he has seen other software companies’ proposals and the product they offer is substandard and/or very expensive compared to inLumon’s. Of the two cost proposals offered to the Board from inLumon, he suggested that the Board consider option number 2.

Mr. Bebout asked how this would affect the Boards budget.

Mrs. Hoskins explained that there would be an increase associated with the new system. However, due to the situation with the current programmer, the Board is forced to find a new licensing program soon.

After a brief discussion, Mrs. Christopher made a motion to form a selection committee to analyze a new software program for the Board. The Board members who volunteered to serve on the committee are Nick Bebout, Michelle Christopher, Jim O'Connor, and Sheri Culver. Mr. Midkiff seconded the Motion. Motion carried.

BUDGET REPORT:

Mrs. Hoskins explained that a budget report was given to the Board at its previous meeting in July. She explained that the budget report is produced for the Board three times a year. Mrs. Hoskins gave a brief explanation of expenditures to the Board.

RATIFICATION OF NEW LICENSEES:

Mrs. Culver explained that Justin Sutton, Cascade Drilling, successfully passed his well drilling contractor's exam. Anthony (Buck) Brandt, AB Drilling, successfully passed his water well drilling and pump installer contractor's exam.

Mr. Midkiff made a motion to approve the two new licenses. Mr. Bebout seconded the motion. Motion carried.

INSPECTIONS COMPLETED:

Mr. Wilson explained that in the Powell area there are several individuals who are installing sand points and/or pumps without a license and a permit from the State Engineer's Office. He stated that the licensed contractors in the area are upset with the situation. The wells that are constructed by these individuals do not meet the minimum construction standards. Mr. Wilson stated that it is frustrating that the Board cannot do anything to those individuals that are breaking the law and undermining the licensed contractor(s) in the region.

Mrs. Boudewyns explained that the Board could work toward making statutory changes that would allow filing an injunction against contractors to refrain from those specific acts.

Mr. O'Connor stated that the Board appreciates Mr. Wilson's work, ethics, and insights. He explained that the Board is a work in progress and it will take time to work out the bumps.

ADDITIONAL WATER WELL INSPECTOR:

The discussion was tabled until further information could be obtained concerning the requirement of General Liability Insurance.

COMMITTEE REPORTS:

Exam Committee

Mrs. Culver gave a brief update on the Exam Committee. She stated that it was requested that a guidance document describing which exams were required for each license be created before moving forward with the creating any new exams. After reviewing the Board's Policy & Procedure Manual on Application Review and Approval, it was determined that the policy will serve as guidance in creating and updating the exams.

Penalty

No discussion.

WWCB Logo

Mr. O'Connor stated that the committee hasn't had a chance to meet. He stated that he is hopeful that the committee will have something prepared for the January meeting.

MISCELLANEOUS:

Inspector Reimbursement

Mrs. Hoskins suggested to the Board that Mr. Wilson be reimbursed for attending Board meetings.

Mrs. Christopher made a motion that Mr. Wilson be reimbursed for travel expenses and travel time at his hourly rate for attending Board meetings from January of 2017 to present and that inspectors be compensated in the future for attending meetings and performing other duties as assigned.

Mr. Midkiff seconded the motion. Motion carried.

Inspection Issues

Mr. Wilson explained that it has been difficult to find and inspect some of the water well contractors. If they are aware that he will be conducting an inspection, they find an excuse as to why they will not be drilling that day. He stated that by doing a surprise inspection, he is able to witness what is occurring at the drill site.

By needing the landowner's permission to access the drilling site it has limited the number of inspections that can be performed. He explained that it can be difficult to reach the landowner to get permission to access the property. Mr. Wilson stated that he felt the inspection program could use some revamping.

Insurance Requirement for Contractors

There was a brief discussion concerning the insurance requirements for water well contractors. Mr. Wilson stated that there are several contractors who do not carry insurance. Mr. Wilson stated that his contract with the Board requires that the State of Wyoming to be listed as an additional interested party. He stated that this is more stringent than the Board's requirements for licensed contractors.

Mrs. Boudewyns explained that the language in the contract was not directed at Mr. Wilson. The Attorney General's Office is requiring the state to be listed as an interested party on insurance policies to help remedy the problem of people cancelling their policy after a contract has been signed.

After a brief discussion, Mr. O'Connor stated that a violation notice should be sent to water well contractors whose insurance has lapsed.

Insurance Requirement for Inspectors

Mr. Wilson explained that due to a disagreement on carrying commercial general liability insurance he will no longer be working for the Board. He stated that he does not agree with the

Attorney General's Office and Risk Management's requirement for the Board's inspectors to carry this type of insurance. He stated that the insurance is very expensive and felt that it does not provide coverage that applies to his duties as an inspector for the Board.

Mr. Wilson explained that it has been a Board policy to allow contractors to drop their commercial liability insurance as long as they are not actively working as a water well contractor. He stated that he currently does not carry any type of commercial liability insurance since he is not actively drilling. Mr. Wilson referenced an email from his insurance broker that was distributed to the Board. He stated that she felt his exposure as an inspector was minimal and that the insurance requirements, as written, were as if he was still actively drilling. Mr. Wilson stated that she felt that it was questionable if he would be covered under a general liability insurance policy due to the inspector's job description. She explained to him that he is only giving an opinion to the Board and not facilitating any action against a contractor.

Mrs. Culver explained she had met with Mrs. Boudewyns and Mr. Dan White, of the Attorney General's Office, Mr. Rick Deuell, and Mrs. Hoskins of the State Engineer's Office, and Mr. Michael Todd, Risk Management. She stated that the process of an inspection to the attendees of the meeting. However, it was determine, that General Liability Insurance with Business Automobile coverage with limits of not less than \$1M per occurrence would be required for the Board's inspectors.

Mrs. Boudewyns explained that if insurance is required on a contract between the State of Wyoming and another entity it will not be approved until proof of insurance is submitted.

After a brief discussion concerning the possibilities of how to cover the insurance premiums for the inspectors, Mr. O'Connor made a motion to investigate the possibility of the Board paying for the insurance premiums for the Board inspectors and to obtain an estimate for the cost of the insurance premium from the State Broker and Timberline Insurance.

Mr. Midkiff seconded the motion. Motion carried.

NEXT MEETING:

The next WWCB Board meeting is scheduled for January 24, 2018 at 10:00 A.M. at the Ramkota Hotel and Conference Center, Casper, WY.

ADJOURNMENT:

Chairman Bebout adjourned the meeting at 1:03 P.M.

Respectfully submitted,

Sheri R. Culver
Executive Director